

FIRST REGULAR SESSION

# SENATE BILL NO. 185

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREEN.

Pre-filed December 18, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0041S.02I

## AN ACT

To amend chapter 227, RSMo, by adding thereto one new section relating to the establishment and administration of a drunk driving memorial sign program.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 227, RSMo, is amended by adding thereto one new  
2 section, to be known as section 227.295, to read as follows:

**227.295. 1. The department of transportation shall establish and  
2 administer a drunk driving victim memorial sign program. The signs  
3 shall be placed upon the state highways in accordance with this  
4 section, placement guidelines adopted by the department, and any  
5 applicable federal limitations or conditions on highway signage,  
6 including location and spacing.**

**7 2. The department shall adopt, by rules and regulations, program  
8 guidelines for the application for and placement of signs authorized by  
9 this section, including, but not limited to, the sign application and  
10 qualification process, the procedure for the dedication of signs, and  
11 procedures for the replacement or restoration of any signs that are  
12 damaged or stolen. The department shall also establish by rule,  
13 application procedures and methods for proving eligibility for the  
14 program.**

**15 3. Any person may apply to the department of transportation to  
16 sponsor a drunk driving victim memorial sign in memory of an  
17 immediate family member who died as a result of a motor vehicle  
18 accident caused by a person who was shown to have been operating a  
19 motor vehicle in violation of section 577.010 or 577.012, RSMo, or was  
20 committing an intoxication-related traffic offense at the time of the**

21 accident. Upon the request of an immediate family member of the  
22 deceased victim involved in a drunk driving accident, the department  
23 shall place a sign in accordance with this section. A person who is not  
24 a member of the immediate family may also submit a request to have  
25 a sign placed under this section if that person also submits the written  
26 consent of an immediate family member. The department shall charge  
27 the sponsoring party a fee to cover the department's cost in designing,  
28 constructing, placing, and maintaining that sign, and the department's  
29 costs in administering this section. Signs erected under this section  
30 shall remain in place for a period of ten years. After the expiration of  
31 the ten-year period, the department shall remove the sign unless the  
32 sponsoring party remits to the department of transportation a ten-year  
33 renewable fee to cover maintenance costs associated with the sign.

34 4. The signs shall feature the words "Drunk Driving Victim!", the  
35 initials of the victim, the month and year in which the victim of the  
36 drunk driving accident was killed, and the phrase "Who's Next?". The  
37 overall design of the sign, including size, color, and lettering, shall  
38 conform to the guidelines and regulations established by the  
39 department. The signs shall be placed near the scene of the accident.

40 5. All roadside memorials or markers commemorating the death  
41 of a drunk driving victim not meeting the provisions of this section are  
42 prohibited. No person, other than a department of transportation  
43 employee or the department's designee, may erect a drunk driving  
44 victim memorial sign.

45 6. As used in this section, the term "immediate family member"  
46 shall mean spouse, child, stepchild, brother, stepbrother, sister,  
47 stepsister, mother, stepmother, father, or stepfather.

48 7. The department shall adopt rules and regulations to  
49 implement and administer the provisions of this section. Any rule or  
50 portion of a rule, as that term is defined in section 536.010, RSMo, that  
51 is created under the authority delegated in this section shall become  
52 effective only if it complies with and is subject to all of the provisions  
53 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This  
54 section and chapter 536, RSMo, are nonseverable and if any of the  
55 powers vested with the general assembly pursuant to chapter 536,  
56 RSMo, to review, to delay the effective date, or to disapprove and annul

57 a rule are subsequently held unconstitutional, then the grant of  
58 rulemaking authority and any rule proposed or adopted after August  
59 28, 2007, shall be invalid and void.

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